



TOWN OF RIVERHEAD PLANNING BOARD

201 Howell Avenue, Riverhead, New York 11901-2596
Phone: (631) 727-3200 Fax: (631) 727-9101
www.townofriverheadny.gov

Stanley Carey, Chairman
Ed Densieski, Vice-Chair

Richard M. O'Dea, Member

Joseph Baier, Member
George Nunnaro, Member

September 17, 2020

Sean M. Walter, Esq.
P.O. Box 852
Wading River, NY 11792

Resolution No. 2020-060
Chapter 219 Coastal Erosion Hazard Area Permit of
1846 Edwards Avenue, LLC
1846 Edwards Avenue, Calverton, NY
SCTM No. 600-39-2-17

Dear Mr. Walter:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on September 17, 2020:

WHEREAS, the Riverhead Planning Board has received and reviewed a Chapter 219 application proposing to remove an existing bulkhead, wood walks, decks and steps, install new bulkhead, excavate an area west of an existing dwelling to create additional parking, install new steps, walks, and steps and construct a 300 sq. ft. addition to a an existing two (2) story single family dwelling for an elevator, along with 767 sq. ft. of proposed decks and walkways to make the premises handicap accessible; and

WHEREAS, no dredging or filling will occur on the site located seawards of the Coastal Erosion Hazard Line; and

WHEREAS, the subject parcel is identified as SCTM No. 600-39-2-17, located at 1846 Edwards Avenue within the RA40 zoning use district; and

WHEREAS, the site is presently improved two (2) story single family dwelling, decking, stairways, and a parking area and abuts an access ramp from Edwards Avenue onto the beach for beach access; and

WHEREAS, the Planning Department has received and reviewed a Chapter 219 application, a survey entitled, "Survey of property Situate baiting Hollow Town of Riverhead Suffolk County, New York C.C. Tax No. 600-39-02-17" prepared by Nathan Taft Corwin III Land Surveyor, last dated January 10, 2020; a denial letter from Building Department for the proposed deck last dated May 27, 2020 signed by Jefferson Murphree, ACIP; a Short Environmental Assessment Form signed by Sean M. Walter, Esq. last dated June 22, 2020; a letter of support from David Weissner the adjacent property owner, last dated

June 19, 2020; a letter of support from Steve Carrozzo the adjacent property owner, last dated June 17, 2020; five (5) photographs of the existing dwelling and existing deck; an Article 25 Tidal Wetlands Permit from the NYSDEC (Permit ID 1-4730-00431/00005) effective March 2, 2020 to March 1, 2025; and

WHEREAS, in a memo dated September 11, 2020, the Town's Consulting Engineer had no objection taken to the proposed improvements and engineering approval is recommended conditioned upon the following:

1. Permission for the construction activity proposed within the road right-of-way of Edwards Avenue should be obtained from the Town Highway Department.
2. Construction details for the proposed bulkhead, timber walkway, and steps should be provided in conjunction with the filing of a building permit application.

WHEREAS, the Planning Department has reviewed the SEAF Part 1, completed by Sean M. Walter, Esq. dated June 22, 2020 and Planning Staff have completed the SEAF Parts 2 and 3 dated August 6, 2020; and

WHEREAS, the Planning Department has received an Article 25 Tidal Wetlands Permit from the NYSDEC (Permit No. 1-4730-00431/00005) effective March 2, 2020 to March 1, 2025; and

WHEREAS, the Planning Board has adopted Resolution No. 2020-045, dated August 6, 2020, which classified the proposed action as an Unlisted Action pursuant to 6NYCRR Part 617 (SEQRA), assumed Lead Agency without the need for coordinated review, and issued a Negative Declaration; and

WHEREAS, the Zoning Board of Appeals, on August 27, 2020 has granted relief by Appeal No. 2020-023 for variances and/or relief from Chapter 301 Section 11 where proposed impervious surface coverage is 35.1% and maximum permitted is 15%; where front yard setback is 4.5' and minimum required is 50'; where proposed side yard setback is 4.9' and minimum required is 25'; and where proposed rear yard setback is 0.3' and minimum required is 60'; and

WHEREAS, pursuant to Riverhead Town Code Chapter 219, where it is determined that strict application of the standards and restrictions of Chapter 219 may cause practical difficulty or unnecessary hardship, such standards and restrictions may be varied or modified, provided that the following criteria are met:

1. No reasonable, prudent, alternative site is available.
2. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.
3. The development will be reasonably safe from flood and erosion damage.
4. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.
5. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects; and

WHEREAS, there are no known public funds required for this application; and

WHEREAS, the location and design of the proposed structure does not pose significant concern for erosion at the subject parcel or neighboring lands; and

WHEREAS, the applicant has met the minimum requirements pursuant to Chapter 219 of the Riverhead Town Code; and

WHEREAS, the action is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location and it is unlikely other alternatives can be viable if required by the applicant; and

WHEREAS, the proposed action minimizes adverse effect on natural protective features and their functions and protective values, existing erosion protection structures and natural resources and the proposed work is expected to have no measureable impact on natural protective features and their functions and protective values, existing erosion protection structures and natural resources; and

WHEREAS, the Planning Board has carefully considered the merits of the Chapter 219 Application, the Short Environmental Assessment Form, the report from the Planning Department, the report of the Town's Consulting Engineer, and the SEQRA record to date. Now, therefore be it

RESOLVED, that the Riverhead Planning Board hereby approves the Chapter 219 application for 1846 Edwards Avenue LLC at 1846 Edwards Avenue, Calverton, NY, and grants a Chapter 219 Permit with the following conditions:

1. The applicant shall not commence any construction activity seaward of the "top of bluff" (i.e. construction of stairway down face of bluff) between April 1st and August 31st in order to avoid an "Incidental Take" of an endangered species (Piping Plover and Least Tern) as regulated by the NYSDEC. Any access to the beach or activity within the bluff area within these dates will require an "Incidental Take Permit" from the NYSDEC.
2. Prior to the Issuance of a Building Permit, the following conditions shall be satisfied:
 - a. The applicant shall submit construction details for the proposed bulkhead, timber walkway and steps in conjunction with the filing of a building permit application.
 - b. The contractor shall enter into a Hold Harmless Agreement through the Town Attorney's office for beach access for purposes of construction.
 - c. The contractor shall secure a staging area and indemnification agreement for use of the Town beach access point located at Edwards Avenue.
 - d. The contractor shall demonstrate how they will cross the beach seaward of the Mean High Water Mark (MHW).

- e. The contractor shall obtain written permission from the Town of Riverhead Highway Superintendent for use of Edwards Avenue as a staging area, access to the project site, and activity proposed within the Town right-of-way of Edwards Avenue, located at 1846 Edwards Avenue, Calverton, NY.
- f. The contractor shall document pre-construction conditions, and shall agree to remediate and repair any damage to Edwards Avenue and the Access Ramp to the beach caused by the staging of construction equipment and/or storage of construction material.
- g. The applicant shall schedule an appointment with the Town of Riverhead's Environmental Planner to conduct a site inspection and verify the installation of erosion control measures; and be it further

RESOLVED, that this approval is subject to the following terms and conditions:

1. A copy of this resolution, which shall represent the Town's authorized approval under Chapter 219, shall together with the plans cited above be available for inspection at the work site when work is in progress. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by authorized representatives of the Town of Riverhead to determine whether the permittee is complying with this permission. Such representative may order the work suspended pursuant to Chapter 219 of the Town Code. The permittee shall require that any contractor, project engineer or other person responsible for the overall supervision of this project reads, understands and complies with this permit and all of its conditions. Any failure to comply precisely with the terms and conditions of this permit, unless authorized in writing, shall be treated as a violation of the Town Code. If any of the permit conditions are unclear, the permittee must contact the Riverhead Planning Department at the letterhead address or by telephone at (631) 727-3200, ext. 207.
2. If the permittee intends to undertake any project design modifications after permit issuance, the permittee must submit the appropriate plan changes to the Riverhead Planning Department for approval prior to undertaking any such changes. The permittee is advised that substantial modification may require submission of a new permit application. This approval is specified for a one year duration from the date of this resolution. To ensure its uninterrupted coverage, any request for renewal should be made at least 30 days prior to expiration. Pursuant to Chapter 219, construction allowed by variance granted by the Coastal Erosion Hazard Board of Review must be completed within one year from the date of approval.
3. The permittee has expressly accepted by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project described herein and has agreed to indemnify and save harmless the Town of Riverhead from suit, actions, damages and costs of every name and description resulting from said project. This permit shall not be construed as conveying to the applicant any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work or as authorizing the impairment of any rights, title or interest in real or personal property held or vested in a person not a party to the permit. The permittee is

responsible for obtaining any other permits, approvals, lands, easements and rights of way which may be required for this project including a building permit from the Town of Riverhead.

4. All construction and demolition debris shall be removed completely from the site and disposed of at an approved upland location. Disposal of debris in tidal wetlands, waters, adjacent area or Erosion Hazard Area is prohibited. Contamination of tidal wetlands and the waters of New York State by sediments or any other environmentally deleterious materials associated with the project is prohibited. Towards these ends, the applicant shall erect and maintain a suitable sediment barrier such as staked haybales across the site between the construction activity and the top of bluff, and shall vegetatively stabilize all disturbed areas with maritime tolerant vegetation as soon as possible. The barrier shall remain in place until vegetation has taken hold; and, be it further

RESOLVED, that the Clerk for the Planning Board is hereby authorized to forward a copy of this resolution to Sean M. Walter, Esq., P.O. Box 852, Wading River, NY; Richard Ehlers, attorney to the Planning Board; the Town Attorney; the Town Engineer; the Building Department; the Town Clerk; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of the same may be obtained from the Office of the Town Clerk.

Very truly yours,



Stanley Carey, Chairman
Riverhead Planning Board

A motion was made by Mr. Baier and seconded by Mr. Densieski that the aforementioned resolution be approved:

THE VOTE

BAIER X YES ___ NO O'DEA X YES ___ NO

NUNNARO X YES ___ NO DENSIESKI X YES ___ NO

CAREY X YES ___ NO

**THIS RESOLUTION X WAS ___ WAS NOT
THEREFORE DULY ADOPTED**



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George Nunnaro, Member

September 17, 2020

Nora Brew, PE
Walden Environmental Engineering, PLLC
16 Spring Street
Oyster Bay, NY 11771
nbrew@walden-associates.com

Ray DiBiase, PE
LK McLean Associates, PC
437 S. Country Road
Brookhaven, NY 11719
rdibiase@lkma.com

Resolution No. 2020-061
Planning Board Determination to Retain
Walden Environmental Engineering, PLLC and LK Mclean Associates, PC
Pursuant To Town Code Chapter §225-9 and 6 NYCRR 617.13(A)
For Site Plan Application Known as HK Ventures
4285 Middle Country Road, Calverton, NY

Dear Ms. Brew and Mr. DiBiase:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on September 17, 2020:

WHEREAS, the Planning Board has received and reviewed a site plan application from HK Ventures proposing to develop vacant land located at 4285 Middle Country Road, Calverton, New York 11933, which is also known as SCTM # 0600-116-1-2 (the "premises"); and

WHEREAS, HK Ventures is proposing a phased development comprised of eight (8) buildings, ranging in size from 49,000 sq. ft. through 56,672 sq. ft., having a total footprint of 425,464 sq. ft. of industrial space with divided tenant spaces, including a 3,000 sq. ft. accessory cafeteria for tenants of the industrial complex, together with parking, lighting, landscaping, loading bays, storm water management, and on-site sanitary systems; and

WHEREAS, the proposed site plan application is a Type I Action pursuant to 6NYCRR part 617.4(b)(6), as the project proposes physical alteration in excess of 10 acres, requiring mandatory coordinated review among involved agencies; and

WHEREAS, on August 6, 2020, the Planning Board adopted Resolution No. 2020-50 assuming Lead Agency status and issued a Positive Declaration, for the purposes of Environmental Conservation Law Article 8, requiring the formal process, public input, and due deliberation attendant to the preparation of an Environmental Impact Statement pursuant to the State Environmental Quality Review Act; and

WHEREAS, given the size and scale of the proposed development that will require extensive planning and environmental review, the Planning Board has determined that it is necessary to retain the services of additional professional services to assist in review under SEQRA; and

WHEREAS, pursuant to Town Law §271 (2) “[t]he Planning Board shall have the power and authority to employ experts...necessary and proper which do not exceed appropriation made by therefor by the Town Board for such Planning Board”; and

WHEREAS, pursuant to 6 NYCRR 617.13 (a) the lead agency may charge a fee to recover the actual costs of either preparing or reviewing the draft or final EIS with actual costs calculated in an amount consistent with 6 NYCRR 617.13 (a)-(e); and

WHEREAS, the Planning Board, together with the Planning Department, has received and reviewed the qualifications and proposed scope of services dated August 26, 2020 from Walden Environmental Engineering, PLLC and from LK McLean Associates, PC dated August 31, 2020, and determines that the qualifications, proposed scope of services, and fees for services are consistent and within the parameters set forth in 6 NYCRR 617.13 (a)-(e) and do require appropriation or expenditure of Town funds identified in Town Law §271 (2).

NOW, THEREFORE BE IT RESOLVED, the Planning Board hereby retains the services of Walden Environmental Engineering, PLLC and LK McLean Associates, PC to assist it in the review of the Environmental Impact Statement related to the site plan application of HK Ventures; and be it further

RESOLVED, that the Chairman of the Planning Board is authorized to sign the proposed scope of services dated August 26, 2020 from Walden Environmental Engineering, PLLC and the proposed scope of services from LK McLean Associates, PC dated August 31, 2020; and be it further

RESOLVED, that the Planning Department, on behalf of the Planning Board, shall notify applicant of the Planning Board’s action pursuant to 6 NYCRR 617.13 and require applicant to submit a fee equal to 50% of the estimated costs for preparing or reviewing the draft or final environmental impact statement calculated on the total value of the project, with the remainder of the review fee submitted at such time deemed appropriate by the Planning Board or Planning Department to replenish the fund and defray cost and expense related to review of the Environmental Impact Statement. If applicant fails to replenish the fund, the Planning Board may suspend the review of the application until such time that the above-stated conditions are met.

RESOLVED, the Financial Administrator shall establish an escrow account titled i.e. “Planning Board: EIS HK Ventures”(or such other title clearly identifying funds for this project) funded by applicant

as described above and withdrawals from said escrow account may be made from time to time to reimburse the Planning Board pursuant to 6 NYCRR 617.13; and

RESOLVED, that the Clerk to the Planning Board is directed to forward a copy of this resolution to Planning Department, the Accounting Department and the Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained for the Office of the Town Clerk.

Very truly yours,



Stanley Carey, Chairman
Riverhead Planning Board

A motion was made by Mr. Nunnaro and seconded by Mr. Densieski that the aforementioned resolution be approved:

THE VOTE

BAIER X YES ___ NO O'DEA X YES ___ NO

NUNNARO X YES ___ NO DENSIESKI X YES ___ NO

CAREY X YES ___ NO

**THIS RESOLUTION X WAS ___ WAS NOT
THEREFORE DULY ADOPTED**